1899-039 Chancery Causes; Gdn. of Calvin King vs. Calvin King et al
Lee Co.

Wadle, Matlock, Woodward

CA-Estate Dispute
T-Property

To the Honorable W.T.Miller Judge of the Circuit Court of Lee County Virginia.

Humbly complaining sheweth unto your honor,your orator Andrew Wadle,guardian of Calvin King an infant child of W. King dec.that the said infant is seized and possessed in fee simple of a certain tract of land lying in the County of Lee bounded by the lands of G.W.Garret,Alf Rosenbaum, Cale Seals and others,containing about two and one-half acres,that on the day of 189 your orator qualified as guardian of said infant in the County Court of Lee County a copy of said order of appointment and bond properly attested is here filed as part of this bill.marked 1" "B". Your orator alleges that his said ward is 5 years old.. Now your orator is advised and therefore alleges,that the interest of the said infant will be greatly promoted by the sale of the said land;that it is annually deteriorating in value;that the interest on the money for which the land would sell would exceed the rent of the land;that the infant aforesaid has no other estate than this,and has no means of cultivating the land;and that in consequence of his limited if not impoverished condition,and of his tender years,it is all important that his estate should be made as available as possible,so as to provide for his education and support that his mother,Barbary King,is the only heir of the said infant,in the event of his death.

The prayer of your orator therefore is,that the said Calvin King and Barbary King be made parties defendant to this bill and answer the same;that a proper guardian ad li tem be assigned to answer and defend for the infant, that your honor will decree a sale of the said land,and the investment of the proceeds,upon such terms and conditions and in such manner as will best promote the interest of

your orator's said ward, and will grant unto your orator such other and further relief as may be consistent with equity and the case may require. May it please, &c.

M. G. Ely. p. q.

Virginia Lee County to wit:

This day personally appeared before me, the undersigned, a notary Public for the county aforesaid, Andrew Wade Guardian of Calvin King plaintiff in the foregoing bill, and made oath that he believes the statements therein contained to be true, Given under my hand this the 25th day of September, 1897- M. G. Ely N.P.

Pleffs Costs

Clerk	6.00
Tax	1.50
Shff	.50
atty	15.00
Gs A L	5.00
J P	1.00
Writs	1.00
Estimated	5.00
	$34 00

3

37-

60
37
3

L. L. Davis—

123.

Ex-

Andrew Wade Exec
vs. E E Billiu Chancy.

Calvin King et als

1897 2nd Oct rules Spa
Accepted D N
" 1st Noor rules taken
the last monday in
Oct D N Cofd & cause
set for hearing

1898 N oor Term Decree
+ Continued
1899 March term Cont'd
" N oor term Decree
final O.B. No 6
Page 322+3

Plaintiffs Costs

Clerk	7.36
Tax	1.50
atty	15.00
J P	1.50
writs	1.50
Gs A L	5.00
Co Clk	.45
	$31 51

N oor term 1899 Decree final
O.B. No. 6. P 322+3

Virginia:

Circuit Court for Lee County:

To the Hon. W. L. Miller, Judge of the said Court:

The separate answer of Calvin King, an infant under the age of twenty-one years, by L. T. Wyatt, his guardian ad litem, assigned to defend him in this suit, to a bill of complaint exhibited against him and another, in the said Court, by Andrew Waddle, Guardian, &c.:

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, by his said guardian ad litem, answers and says:

That he is an infant of tender years, and by reason of his infancy, is incapable of understanding, or of taking care of his rights and interests. He, therefore, by his said guardian, commends himself and his rights and interests to the protection of the court, and prays that no decree may be pronounced which will tend to his prejudice.

And now having fully answered, the said respondent prays to be hence dismissed with his reasonable costs in this behalf expended, and he will ever pray, &c.

L. T. Hyatt, Guardian ad litem
for Calvin King.

Virginia:

County of Lee, to wit:

This day personally appeared before me, A. B. Munsey, Clerk of the Circuit Court for the County of Lee, and State of Virginia, L. T. Hyatt, guardian ad litem for Calvin King, an infant under the age of 21 years, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge are true; and so far as made from knowledge or information derived from others, he believes to be true.

Given under my hand the 21st day of October, 1897.

A. B. Munsey Clerk.

Andrew Waddle, Gdn.

vs. In Chancery.

Calvin King et al

Answer of Calvin King, infant &c. by L. F. Hyatt, his guardian ad litem.

Filed Oct 21st 1897
A. J. Murray Clk

Andrew Wadle Quod etc Plff
against Ex Parte Chancery
Calvin King et als. Defts,

This cause came on this day to be heard upon the papers formerly read in the cause the report of Commissioner M. H. Ely and deed filed therewith, and was argued by Counsel
On consideration of which, the Court doth approve and confirm said report and deed filed therewith, And it is further ordered and decreed that C. C. Davis pay to M. H. Ely the sum of $5.00 for executing said deed, and when said fee is paid the deed may be withdrawn for recordation, and the cause is stricken from the docket,

Andrew Waddell Guard

vs. Decree Final

Calvin King et als

Entered on Chy

O. B. 106.

P. 322 & 323.

Enter this

H A W Stem

Nov. 15th. 1899.

Andrew Wadle Guardian etc Plff-
against
Lee Chauncey
Calvin King et als. Defts.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Commissioner M. G. Ely filed Nov. 13th, 1899, and was argued by Counsel, On consideration of which the doth approve and confirm said report, and M. G. Ely is hereby appointed a Commissioner to make and execute to the purchaser, C. C. Davis, a deed of special warranty to the land purchased by him in this cause said report to a future day of this term of Court.

Andrew Wadle Guardian
vs. EE Decree —
Colvin King et als.

Entered on Chancery
OVB No 6 Page 312

Enter this

[illegible]

Nov. 13th 1899 —

Andrew Wadle Guardian etc Pltff
vs. Ex Parte Chancery -
Calvin King et als. Defts
This cause came on this day to be heard upon the papers formerly read, the report of sale of Commissioner M. G. Ely, and was argued by counsel,
On consideration of which, it appearing that said report has been filed for more than ten days, and being unexcepted to, It is adjudged ordered and decreed that said and report thereof be and the same is hereby confirmed, and said Commissioner will disburse the costs in hands to those entitled thereto, and proceed to collect the purchase money as it becomes due and report to Court and the cause is continued

Andrew Hadlock
vs EE Dennison
Colvin Kingsbury

Eul OB 6 p. 99.

Enter This

W Zul

June 8th 1898.

Died of Gunshot wounds

Andrew Wadle Guardian Plff-
against EE Dec Chancery.
Calvin King et als - Defts.
This cause came on this day to be heard upon
the bill of complainant and exhibits filed
therewith, the answer of L. T. Hyatt guardian ad litem
for the infant defendant Calvin King, proofs
and depositions of witnesses,
duly executed as to Barbary King, and was argued
by counsel, On consideration of which, it appearing
to the court that it is to the interest of the infant
defendant to sell the land described in the bill
and proceedings, it is therefore adjudged, ordered
and decreed that M. G. Ely who is hereby appointed
a commissioner for the purpose, do sell the said
land after having duly advertised the same for
at least 30 days by written notices posted at the
front door of the court house and in the
vicinity of said land, he will make said sale
at public auction to the highest bidder in front
of the court house of Lee County on some court
day, on a credit of one and two years equal
the costs of suit and commission of sale, which
will be paid down, and for the deferred
payments, he will take bond with good security
but before perfoming the duties required of him
under this decree he will execute bond before the
clerk of this court in the sum of $200, conditioned
according to law, and he will report to next
Term of Court and the cause is continued

Andrew Wade Guard

vs E E Dunn

Colvin King et als

Eu. C. O. B. No. 6. p. 45

Enter This

W. Z. W.

Nov 15th 1893

Virginia

At a County Court continued and held for Lee County at the Court house thereof on Wednesday April 18th 1894 Present Same Honorable Judge as on yesterday.

On motion of Andrew Waddle, it is ordered that he be and is hereby apponted guardian to Calvin King minor heir of Waymon King deceased thereupon the said Andrew Waddle with William Matlock his security, who qualified as to their sufficiency, entered into and acknowledged a bond in the penalty of $600.00, with condition according to law.

Teste S. V. D. Richmond
Clerk

Know all Men by these Presents, That we Andrew Waddle & William Matlock of Lee County are held and firmly bound unto the Commonwealth of Virginia in the sum of Six hundred dollars to which payment, well and truly to be made to the said Commonwealth, we bind ourselves jointly and severally, firmly by these presents, and we hereby waive the benefit of our homestead

exemption as this bond Witness our hands and seals this 17th day of April 1894. The Condition of the above Obligation is such that whereas the above bound Audrey Waddle has been appointed Guardian for ~~Audrey Waddle~~ Calvin Irving Minor heirs at law of Waynon Irving deceased: Now if the said Audrey Waddle shall faithfully perform and discharge the duties of his Office of Guardian aforesaid, then the above Obligation to be void, Otherwise to remain in full force and virtue.

Acknowledged in Court

~~Audrey Waddle~~ Seal
William Matlock Seal
Seal
Seal

A Copy
Teste J. F. Richmond Clerk

Clerk 45

Circuit Court for Lee County:

Andrew Wadle, Guardian &c.

vs.

Calvin King et als.

The depositions of William Matlock et als., taken on the 29th day of October 1897, before me, A.J.Myers, a justice of the peace for Lee county, State of Virginia, at the law office of M.G.Ely, in said county, to be read as evidence in the above styled cause pending in the Circuit Court for Lee county.

Present: M.G.Ely, Attorney for the plaintiff. adult. Defft,

L.T.Hyatt, guardian ad litem for Calvin King, infant defendant.

William Matlock, having first been duly sworn deposes as follows, to wit:

First question by counsel for plaintiff.- State your age, place of residence and occupation.

Answer.--I am thirty-nine years of age, reside near Nurseries, Lee County, Virginia, and I am a farmer.

Second ques.by same.--State whether or not you are acquainted with the real estate belonging to the infant defendant, Calvin King, described in the bill. If so, how long have you known the same, and what have been your opportunities for knowing the same? What is the fee-simple value and what is the rental value thereof?

Ans.--I am acquainted with said real estate. I have known it all my life, I was raised near there, but I think they have owned it only about seven years. I have always understood that there are two and three-fourths acres in the lot. It has been contracted for $125.00 and I guess it is worth that. It has been rented for $1.00 per month.

Third question by same.--State whether or not in your opinion the interest of the infant owner will be

promoted by a sale of the same, and will the interest of any person be violated by a sale of the same and the proceeds invested am or put to interest?

Answer.--I think it would be a great deal better for the land to be sold. The child is now living with its mother in Kentucky and has no other estate. There is no timber on the land to keep up the fencing with. I do not think that the interest of any person will be viola - ted by a sale of said lot.

Cross-examination by G.A.L.

Ques.1.-How old is Calvin King?

Ans.--I do not know certainly, but I should think he is about five years old.

Ques.2.--How much per year do you think it would take to keep said lot, fencing &c.in good repair, so that it would not deteriorate in value?

Ans.--The fencing is in bad shape now. It would take a years rent or more to put the fence in good shape now, and I expect it would take all the place would rent for to keep it in repair.

And further this deponent saith not.

Wm. Matlock.

Witness claims 50¢.

Question 1.for plaintiff.--State your age, place of residence and occupation.

Answer.--I am thirty-two years of age, reside near Combo, Va. and am a farmer.

Question 2. by same.--State whether or not you are acquainted with the real estate belonging to the inf fant defendant , Calvin King, described in the bill? If so, how long have you known the same, what have been y your opportunities for knowing the same. What is the fee-simple value and what is the rental value?

Answer.-- I am acquainted with the land, have known

it for nearly 20 years or more. I live in about two miles of it, I have passed it and been on it frequently for some 16 or 17 years. Its value is $50.00 or $55.00. I suppose it would rent for $12.00 a year.

Q.--How much of the $12.00 would it take to keep t the premises in repair?

A.--All of it, in my opinion.

Q.--State whether or not in your opinion the interests of the infant owner would be promoted by a sale of the same and the proceeds be invested. Or would the interest of any person be violated by a sale of the same

A.--I think the interest of the boy would be promoted by a sale of the property and a proper investment of the proceeds. I do not think a sale would be to the disadvantage of any one. I think it would be to the interest of the ch ild and its mother both. I think this because the child is in Kentucky, and the costs of keeping the property up would consume the rents so that the property would be of no advantage to the child. Then there is no timber or water on the land. If the land is sold and the money arising from it is put at interest the child will get some benefit from it.

Q.--Has the child any other estate.

A. Not that I know of.

Cross-examination.

How much land is there in the tract?

A.--About 2 or 2 1-2 acres.

Q.--What kind of buildings are on it?

A.--log cabin and two or three little shacks for crib &c.

And further this witness saith not.

W. Claim 57 & Co. E. B. Woodward

Virginia, Lee County, to wit:

I, A.J.Myers, a justice of the peace in and for sai county ans State, do certify that the foregoing depositions were duly taken, subscribed and sworn to before me at the time and place and for the purposes in the caption mentioned. Given under my hand this the 29th day of October 1897.

A. J. Myers, J. P.

Andrew Waddle

Ed &c —

vs 3 Depos.

Calvin Shingstad

Filed Nov 29th 1897

A B Mumsey Clerk

Costs J. P.	$1.00
Wm Mellock	.50
E. S. Woodward	.50
	$2.00

To the Honorable W.T.Miller Judge of the Circuit Court of Lee County Virginia.

Your undersigned Commissioner begs to report that pursuant to a decree rendered in the Chancery Cause of Andrew Wadle, Guardian etc,against Calvin King and others,pending in the Circuit Court of Lee County ,and entered on the 5th' day of Nov. 1897, I proceeded on the 20th' day of December 1897 at the front door of the Court house of Lee County,to sell the lands in the bill mentioned to the highest and best bidder ,which was C.C.Davis at the price of $60.00 The costs of suit and commissions of sale amounting to $37. the purchaser paid in hand,and executed his two bonds for the residue payable in one and two years from date bearing interest,with P.L.Tyler for surety which your Commissioner deems good.

Respectfully Submitted,

M. J. Ely.
Commissioner

Andrew Waddell Guardian

vs } Report of Sale -

Calvin King et als -

Filed January the 27th 1898

A. J. Murray Clk

To the Honorable W. A. M. Shein Judge of the circuit court of Lee County Va.

I am undersigned commissioner M. G. Eby beg leave to report, that C. C. Davis the purchaser of the lands of Colvin King in the Chancery cause of Andrew Wadle Guardian vs. Colvin King etals., has paid the purchase money in full and is therefore entitled to a deed to said lands.

Respectfully submitted
M. G. Eby Comm.

Jonesville

Andrew Wadle Guardian
vs. E E Report of Commissioner
E E et al. et al. —
Lelvin King et al —
Filed November 13th 1899
A B Munsey Clerk

To the Honorable H. A. M. Skeen Judge of the circuit court of Lee County, Va.

Your undersigned Commissioner begs leave to report, that pursuant to a decree entered in this cause, he has made and executed to the purchaser C. C. Davis, a deed to lands purchased by him in said cause, and files the same with this report.

Respectfully submitted.

M. G. Ely

Commissioner

Andrew Wadlle Guardian
vs. Commissioners Report
Ee of Deed
Calvin King et als.

Filed November 15th
1899.
A B Munsey Clerk

To Calvin King & Barbara King.

TAKE NOTICE. That I on the 29th day of October, 1897, I

will proceed to take the deposition of Wm. Matlock and others.

which, when taken, are intended to be read as evidence on my behalf in a certain suit in Equity now pending in the Circuit Court of Tazewell County, State of Virginia, in which Andrew Wallace Guardian &c is plaintiff and Calvin King & al others are defendants.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time, and from place to place. until completed.

This Oct 29th, 1897.

Very Respectfully,

Andrew Wallace Guardian
By Counsel.

Andrew Waddell
vs
Notice to take depositions

I accept legal service of the within notice
L. T. Hyatt, g.a.l

Southwest Virginian,
Jonesville, Va.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Calvin King & Barbara King

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 3rd Monday in October, 1897, to answer a bill in Chancery, exhibited against them in our court by Andrew Wadle Guardian

. And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 18th day of October 1897, and in the 122nd year of the Commonwealth.

A B Munsey *Clerk.*

A copy—Teste:

Clerk.

Andrew Wadle

VS. { SUBPŒNA IN CHANCERY.

Calvin King et al

M. G. Ely P. Q.

TO 2nd Oct Rule.

CIRCUIT COURT.

I accept legal service of the within summons. This Oct. 18th 1897.

Barbra King